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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/622,703

07/21/2003

Jun Miyokawa

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06/28/2005

OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER

LOUIE, WAI SING

ART UNIT

PAPER NUMBER

2814

DATE MAILED: 06/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/622,703

Applicant(s)

MIYOKAWA ET AL.

Examiner

Wai-Sing Louie

Art Unit

2814

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 April 2005.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 and 19-61 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-17 and 46-61 is/are allowed.
- 6) ☒ Claim(s) 19, 20, 24, 32, 34-38 and 42 is/are rejected.
- 7) ☒ Claim(s) 21-23, 25-31, 33, 39-41 and 43-45 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION***Double Patenting***

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 19-20, 24, 32, 34-38, and 42 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-10 of U.S. Patent No. 6,529,535 in view of Janssen et al. (US 5,570,444).

With regard to claims 19 and 36-37, US 6,529,535 discloses a semiconductor laser module comprising:

- A laser device (claim 1);
- An optical system including an optical fiber and a lens portion, the optical system being configured to receive and transmit a beam emitted from the laser device through the lens portion to the optical fiber along an optical axis (claim 1);
- A fixing parts (holder) configured to receive a portion of the optical system (claim 7);

- A base having a fixing parts mounting portion (holder mounting member) and a mounting portion (fastening member), the fixing parts being mounted to the mounting portion at a first laser welded portion (first joint position), the mounting portion being mounted to the fixing parts at a second (joint position) laser welded portion (claim 8);
- A bottom plate configured to support the base (claim 8), where the first laser welded portion and the second laser-welded portion are located at substantially a same distance from the bottom plate (claim 8);
- US 6,529,535 do not disclose the first laser welded portion and second laser-welded portion are coplanar along a plane extending through a longitudinal axis of the optical fiber. However, Janssen et al. disclose slide member (holder member) being mounted with a base having a first joint position and second joint position along a longitudinal axis of the optical fiber (Janssen fig. 3). Janssen et al. teach the optical holder supports the optical fiber and the base secures the holder to the substrate to maintain the alignment of the optical fiber with the laser (Janssen col. 2, lines 27-43). US 6,529,535 and Janssen et al. have substantially the same environment of optical module having a fastening member. Therefore, it would have been obvious for the one with ordinary skill in the art to modify US 6,529,535's device with the teaching of Janssen et al. to have the first laser welded portion and second laser welded portion are coplanar along a plane extending through a longitudinal axis of the optical fiber in order to maintain the alignment of the optical fiber with the laser.

With regard to claims 20 and 38, US 6,529,535 discloses the fixing parts (holder) are configured to receive a portion of the optical fiber (claim 7).

With regard to claims 24 and 42, US 6,529,535 discloses the optical system comprises an optical supporting member (optical isolator) supported by the holder mounting member (claim 8); and the optical system is configured to receive and transmit the beam emitted from the laser diode through the discrete lens and the optical supporting member (optical isolator) to the optical fiber along the optical axis (claims 1 and 8).

With regard to claim 32, US 6,529,535 discloses the fixing parts (holder) are mounted to the mounting portion (fastening member) at the first laser-welded portion and the second laser-welded portion by laser welding (claim 8).

With regard to claim 34, US 6,529,535 discloses the mounting portion (fastening member) is coupled to the fixing parts (holder) at a location adjacent the lens portion of the optical system (claim 8).

With regard to claim 35, US 6,529,535 discloses a thermo module coupling the base to the bottom plate comprising a base-side plate (first plate member) attached to a portion of the base, a peltier element attached to the base-side plate, and a bottom-side plate (second plate member) attached to the peltier element and the bottom plate (claim 7).

Response to Arguments

The argument in the response to the non-final rejection is persuasive and claims 1-17 and 46-61 are allowed. However, independence claims 19 to 37 do not include the limitation "wherein said first joint position and said second joint position are coplanar along a plane

extending through a longitudinal axis of said optical fiber". Therefore, claims 19-45 are rejected under the nonstatutory double patenting rejection.

Allowable Subject Matter

1. Claims 1-17 and 46-61 are allowed.
2. Claims 21-23, 25-31, 33, 39-41, and 43--45 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is an examiner's statement of reasons for allowance:

The prior art of record does not disclose or suggest either in singly or in combination the following limitations and other elements in the claims:

- US 6,529,535 and Janssen et al. (US 5,570,444) does not disclose the lens portion is a discrete lens supported by the holder mounting member; the discrete lens is mounted with the holder; the optical isolator is mounted to the holder mounting member at a third joint position; a plurality of first and second joint positions; a plurality of recessed portions on the holder mounting member; the fiber lens is an anamorphic lens, and the fastening means is formed of an Fe-Ni-Co alloy.

Therefore, the above references do not disclose the claimed invention of present application and claims 21-23, 25-31, 33, 39-41, and 43--45 are allowed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

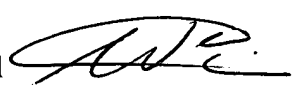
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fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wai-Sing Louie whose telephone number is (571) 272-1709. The examiner can normally be reached on 7:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wael Fahmy can be reached on (571) 272-1705. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Wsl 
June 22, 2005.


LONG PHAM
PRIMARY EXAMINER